

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOSTON SCIENTIFIC CORPORATION, et
al.,

Plaintiffs,

v.

BIOCARDIA, INC.,

Defendant.

Case No. 19-cv-05645-VC

Re: Dkt. Nos. 123, 148

BIOCARDIA, INC.,

Plaintiff,

v.

NVISION MEDICAL CORPORATION, et al.,

Defendants.

Case No. 20-cv-02829-VC

Re: Dkt. Nos. 81, 97

BIOCARDIA LIFESCIENCES, INC.,

Plaintiff,

v.

SURBHI SARNA, et al.,

Defendants.

Case No. 20-cv-04667-VC


**ORDER VACATING VOLUNTARY
DISMISSALS**

BioCardia's voluntary dismissals are vacated. They were clearly improper with respect to the defendants who answered. *Armstrong v. Frostie Co.*, 453 F.2d 914 (4th Cir. 1971); *Sanchez v. Seterus, Inc.*, 2017 WL 4355146, at *3 (N.D. Cal. Oct. 2, 2017); *Milota v. Hexion*

Specialty Chemicals Canada, Inc., 2015 WL 1737302, at *4 (D. Or. Apr. 16, 2015); *Aana v. Pioneer Hi-Bred International, Inc.*, 2014 WL 819158, at *3 (D. Haw. Feb. 28, 2014). If BioCardia believes it is permitted to voluntarily dismiss the defendants who have not answered at all, it may file new voluntary dismissals pertaining only to those defendants (which the defendants may seek to vacate if they believe those too would be inappropriate). The Court will deem BioCardia's Rule 17 motions withdrawn, as stated in the dismissal notices, unless BioCardia indicates to the contrary in a letter on the docket within 7 days of this order. The letter should contain no argument; just a statement about whether the Court should continue to treat the Rule 17 motions as withdrawn.

IT IS SO ORDERED.

Dated: January 4, 2021



VINCE CHHABRIA
United States District Judge